

**REMARKS**

This Application has been carefully reviewed in light of the final Office Action electronically sent February 9, 2007. Claims 1-5, 11-17 and 20-22 are pending in the application and are rejected. For the reasons discussed below, Applicant respectfully requests reconsideration and favorable action in this case.

**Section 112 Rejections**

The Examiner objects to the specification and rejects Claims 1-5, 11-17 and 20-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner indicates that there is no support for the following language added to the claims in Applicants' last Response: "wherein said header portion is not truncated when a length of said header portion is not greater than said depth of said memory portion."

Previously, the claim language (for example, Claim 1) recited that the "header portion is truncated to form the received header if a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length." The Examiner rejected this language as being indefinite because he argued that the "if" phrase "renders the claim indefinite because if the statement is false then the claim is irrelevant." *See* October 17, 2006 Office Action, pp. 2-3. Although Applicants believed that it was clear from this claim language that the header portion is not truncated if the length of the header portion is not greater than the depth of the memory portion, Applicants amended the claim to specifically state such to expedite allowance of this application.

The Examiner now claims that this added language is not supported. Applicants respectfully disagree. The present application supports the claim language regarding the truncation of the header in Figure 4 and the associated description (e.g., paragraphs 26-31). As an example, Applicants believe that it is clear from this description that the header is truncated if it is larger than the allocated memory space for the legacy protocol header (e.g., see paragraph 30). Also, Applicants submit that it is easily understood from this description that the header would not be truncated if it fits within the allocated memory space (e.g., if a

machine implementing a legacy protocol receives a message have a legacy header). *See, e.g.*, paragraph 23.

Finally, Applicants do not believe the Examiner's mention of the fact that the header may optionally be padded in association with steps 502 and 503 of Figure 5 is helpful to the Examiner's argument. In fact, this is an example of where the received header is not truncated when the length of the header portion is not greater than the depth of the memory portion. This figure is describing what happens when a header of a legacy protocol is received at a machine implementing an upgraded protocol which provides for a larger size header than the legacy protocol (thus the situation where the header does not fill the allocated memory space). On the other hand, as noted in the example of Figure 4, truncation is what may happen in particular embodiments when a header associated with the upgraded protocol is received at a machine implementing the legacy protocol (and thus allocating a smaller amount of space for the headers of received messages).

For at least the above reasons, Applicants respectfully submit that the claim amendments are fully supported by the specification. Thus, Applicants respectfully request reconsideration and favorable action.

### **Section 103 Rejections**

The Examiner rejects Claims 1, 2, 4, 5, 11-14, 15, 16 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,544,325 issued to Denny ("*Denny*") in view of U.S. Patent No. 6,032,197 issued to Birdwell et al. ("*Birdwell*").

Claim 1 of the present application recites the following limitations:

- A method for processing a header portion of a message, comprising:
  - establishing a legacy protocol, wherein said legacy protocol defines at least one legacy parameter for a header portion of a message, and wherein said legacy protocol defines a fixed legacy header length;
  - receiving an inbound message having a header portion;
  - allocating a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length;
  - pushing said header portion of said inbound message onto said memory portion thereby forming a received header, wherein the header

portion is pushed onto said memory portion such that said header portion is truncated to form the received header when a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length and wherein said header portion is not truncated when a length of said header portion is not greater than said depth of said memory portion, such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion; and  
processing said received header according to said legacy protocol.

Independent Claims 11, 15 and 20 recite similar, although not identical, limitations.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because *Denny* and *Birdwell*, whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims. Furthermore, there is no motivation to combine these references in the manner suggested by the Examiner.

For example, neither *Denny* or *Birdwell* disclose “wherein said legacy protocol defines a fixed legacy header length.” The Examiner states that this limitation is disclosed in Figures 3 and 4 of *Denny*. However, *Denny* makes clear that the header (what it refers to as a “prefix”) can be of variable length. See *Col. 5, lines 27-53 and Col. 6, lines 18-20*. Thus, Applicants believe that there is no disclosure of a *fixed* legacy header length. In the Response to Arguments section of the Final Office Action, the Examiner notes that *Denny* does disclose a fixed portion of the prefix; however, this is only a portion of the prefix and the total length of the prefix (fixed portion 42 and extended portion 44) is variable since the length of the extended portion is variable. As discussed below, the allocation of buffer space for the prefix is for the *entire* prefix, and not just for the fixed portion. Therefore, it is the entire prefix that is relevant to this analysis.

Furthermore, in the Response to Arguments section of the Final Office Action, the Examiner points to the background portion of *Denny* as evidence that *Denny* discloses a fixed length header. However, the background section is referring to the prior art and its associated problems (which *Denny* is attempting to solve). Specifically, *Denny* discloses that the prior art uses input message buffer capacities of particular systems that are not the same as the output buffer capacity of other systems. Thus, “a message having a prefix that is of the fixed specified length . . . will in many cases be incompatible for processing” by some systems. *Column 1, lines 47-53*. *Denny* addresses this incompatibility by *not* requiring a fixed prefix length. *E.g., see Column 2, lines 31-36 and 51-54*. Thus, although this background does describe a protocol using fixed prefix lengths, this is *not* a protocol that is used in the invention of *Denny* (which is what the Examiner refers to in rejecting the other limitations of this claim).

In addition, neither *Denny* or *Birdwell* disclose “allocating a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length.” The Examiner has stated that this limitation is disclosed in Figure 4 (item 70) and also currently cites to Column 2, lines 25-60 and Column 3, lines 15-23. However, *Denny* specifically discloses that the memory used to store the message is expanded as necessary to accommodate the size of the *entire* prefix – both the fixed and variable portions. *See Col. 7, lines 20-33*. For example, *Denny* specifically states that “If the capacity of the input data buffer is insufficient to hold the prefixes 42, 44 of the message 40,” the system allocates additional memory to store the message. *Column 7, lines 27-31*. Therefore, *Denny* does not allocate a memory portion corresponding to a *fixed* header length, instead it *dynamically* allocates a memory portion to accommodate a *variable* header length.

In the Response to Arguments section of the Final Office Action, the Examiner characterizes the teachings of *Denny* by stating that “the receiving means allocates memory portion from the computer memory having the depth *at least* equal to the size of the prefix, i.e., having a depth corresponding to fixed header length or size” (emphasis added). Therefore, it appears that the Examiner is interpreting “said memory portion having a depth

corresponding to said fixed legacy header length” as meaning that the memory portion has a depth *at least* equal to the fixed legacy header length. If so, Applicants respectfully submit that this is an incorrect interpretation of the quoted claim language, both based on its plain meaning and based on the broadest reasonable interpretation of the claim in light of the specification.

Also, because *Denny* discloses dynamically allocating a memory portion to accommodate a *variable* header length (so that the *entire* header portion/prefix can be stored), *Denny* necessarily does not disclose that a portion of the message is truncated if it is greater than the “depth of the memory portion.” Instead, *Denny* discloses that the memory is increased as necessary to accommodate the message. For this reason, there is simply not a motivation to combine a teaching from any reference that discloses truncating a message that is greater than a memory depth with the teachings of *Denny*. This is the opposite of what is done in *Denny*. In the Response to Arguments section the Examiner questions: “why can’t compression/truncation be considered as an alternative in solving the compatibility problem as indicated above.” Applicants are not arguing that it is not an alternative (in fact, that is what Applicants are saying when stating that it is the *opposite* of what is disclosed in *Denny*). However, that does not mean that it would be obvious to take portions of two opposite alternatives (expanding memory to fit a variable header size vs. truncating a variable header size to fit a fixed memory size) and meld them together. The two alternatives work towards opposite goals and thus actually teach away from the combination of any sort of truncation with the teachings of *Denny*. So not only is there not a motivation to combine (since there is nothing in the references suggesting that header truncation could be used in the invention of *Denny*), there is actually a motivation *not* to combine the references.

For at least the reasons provided above, Applicant believes that Claim 1 is in condition for allowance. In addition, independent Claims 11, 15 and 20 recite similar, although not identical, limitations to those discussed above. Thus, Applicant believes that these claims are also in condition for allowance. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 15 and 20, as well as the claims that depend from these independent claims.

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The Examiner also rejects Claims 3 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Denny* in view of *Birdwell* and further in view of U.S. Patent No. 5,206,822 issued to Taylor et al. ("*Taylor*"). Claims 3 and 17 depend from independent Claims 1 and 15, respectively. As discussed above, Applicants believe Claims 1 and 15 are in condition for allowance. Therefore, at least because they depend from an allowable independent claim, Applicant respectfully requests reconsideration and allowance of Claims 3 and 17.

**CONCLUSION**


Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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